

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Mar 17, 2022

SEAN F. McAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Jorge Ballesteros Case Number: 0980 4:20CR06004-SAB-1
Address of Offender: Pasco, Washington 99301
Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge
Date of Original Sentence: August 30, 2021
Original Offense: Possession of a Controlled Substance, Methamphetamine, 21 U.S.C. § 844
Original Sentence: Prison - 490 days; Type of Supervision: Supervised Release
TSR - 12 months
Asst. U.S. Attorney: Matthew Alan Stone Date Supervision Commenced: August 30, 2021
Defense Attorney: Craig Donald Webster Date Supervision Expires: August 29, 2022

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/9/2021.

Mr. Ballesteros began his term of supervised release on August 30, 2021. On September 10, 2021, all the conditions of supervision were reviewed with Mr. Ballesteros, which he signed acknowledging a full understanding.

On October 18, 2021, a violation report was submitted to the Court requesting the conditions of supervision to be modified with the consent of the offender after Mr. Ballesteros provided a positive drug test for marijuana and methamphetamine. The Court concurred with the recommendation to modify the conditions of supervision, to include abstaining from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances. On October 28, 2021, after the Court's approval, the imposed condition was reviewed with Mr. Ballesteros and he verbalized a full understanding.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
5	Standard Condition # 9: If you are arrested or have any official contact with a law enforcement officer in a civil or criminal investigative capacity, you must notify the probation officer within 72 hours.

Supporting Evidence: Mr. Ballesteros is considered to be in violation of his conditions of supervised release by failing to report an arrest on or about February 13, 2022.

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Mr. Ballesteros was arrested by Pasco Police Department officers on February 10, 2022, for an outstanding warrant for assault and booked into the Benton County Jail. Mr. Ballesteros was released from custody from the Benton County Jail on that same date. Mr. Ballesteros failed to report this arrest to the undersigned officer within 72 hours.

- 6 **Special Condition # 1:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Ballesteros is considered to be in violation of his conditions of supervised release by failing to report to Merit for drug testing on January 25, and February 17, 2022.

On November 1, 2021, Mr. Ballesteros was referred to Merit Resource Services (Merit) to participate in the color line for random drug testing. He was instructed to call the color line daily, Monday through Friday, and to report in person if his assigned color, Green, was called. Mr. Ballesteros verbalized understanding of these instructions.

On January 26, 2022, Merit reported Mr. Ballesteros did not report for drug testing on January 25, 2022, when his assigned color was called.

On March 15, 2022, Merit reported Mr. Ballesteros did not report for drug testing on February 17, 2022, when his assigned color was called.

- 7 **Standard Condition # 2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Ballesteros is considered to be in violation of his conditions of supervised release by failing to report to the probation officer on February 23, 2022; March 1 and 15, 2022.

On February 23, 2022, the undersigned officer called Mr. Ballesteros and left the defendant a voice message instructing him to call this officer. Mr. Ballesteros did not make contact with the undersigned officer as instructed.

On March 1, 2022, the undersigned officer attempted to make telephonic contact with Mr. Ballesteros. Mr. Ballesteros did not answer and the undersigned officer left him another voice message instructing him to make contact with the undersigned officer by 2 p.m. on that same date. Mr. Ballesteros failed to make contact with the undersigned officer as instructed.

On March 15, 2022, the undersigned officer again attempted to make telephonic contact with Mr. Ballesteros and the call went directly to a message stating the defendant's voice mail was full. The undersigned officer then sent Mr. Ballesteros a text message instructing him to call this officer by 5 p.m. on that same date. Mr. Ballesteros has not made any effort to contact the undersigned officer and is unresponsive to the undersigned officer's text message or prior voice mail messages.

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The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 16, 2022

s/Elizabeth Lee

Elizabeth Lee

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

3/17/2022

Date